

II. REMARKS

Claims 19-23, 26-29, 31, and 33-40 are pending. The Applicants' attorney has amended claims 19, 26, 33, and 34 (the amendment to claim 33 is not a narrowing amendment), has cancelled claims 30 and 32 without prejudice or disclaimer, and has added new claim 40. In view of the following, all of the currently pending claims are in condition for allowance, and, therefore, the Applicants' attorney requests the Examiner to withdraw all of the outstanding rejections. **However, if after considering this response the Examiner does not allow all the claims, the Applicant's attorney requests that the Examiner contact him to schedule a telephone interview to further the prosecution of the application.**

Rejection of Claims 19-23 and 26-39 Under 35 U.S.C. § 102(e) As Being Anticipated By U.S. 6,989,303 To Mori

Claim 19

Claim 19 as amended recites a pair of insulation structures delimiting an active area of a substrate and each having a respective portion projecting from said substrate, the projecting portions defining a recess over a portion of the active area and over a portion of at least one of the insulation structures, and a memory cell having a body region disposed in the portion of the active area, a gate insulator disposed over the body region, and a floating gate disposed in the recess over the gate insulator and over the portion of the at least one insulation structure.

For example, referring, e.g., to FIGS. 14-15 of the patent application, a pair of insulation structures 27 delimits an active area 25 of a substrate 21, and each structure 27 has a respective portion projecting from the substrate, the projecting portions defining a recess 34 (FIG. 10) over a portion of the active area 25 and over a portion of at least one of the insulation structures 27. And a memory cell 44 has a body region disposed in the portion of the active area 25, a gate insulator 37 disposed over the body region, and a

floating gate 44a disposed in the recess over the gate insulator 37 and over the portion of the at least one insulation structure 27.

In contrast, Mori does not disclose a recess over a portion of an insulation structure. Referring, e.g., to Mori's FIG. 30, in the cell-array section of the substrate 10, device isolators 14 define a recess in which is disposed a floating gate formed by layers 22 and 24. But unlike the recess recited in claim 19, Mori's recess is not over a portion of at least one of the device isolators 14 — Mori's gate insulating film 21a is not a portion of a device isolator 14.

Claims 20-23

These claims are patentable by virtue of their respective dependencies from claim 19.

Claim 26

Claim 26 as amended is patentable for reasons similar to those discussed above in support of the patentability of claim 19.

Claims 27-29, 31, and 33

These claims are patentable by virtue of their respective dependencies from claim 26.

Claim 34

Claim 34 as amended recites an isolation region disposed in a substrate and defining a recess that is bounded by the isolation region on at least two sides, the isolation region having a first depth beneath the recess and a second depth outward from the recess along at least one of the at least two sides, the first depth being greater than or equal to the second depth.

For example, referring, e.g., to FIG. 10 of the patent application, an isolation region

27 is disposed in a substrate 21 and defines a recess 33 that is bounded by the isolation region on at least two sides. The depth of the isolation region beneath the recess 33 is greater than the depth of the isolation region along at least two sides of the recess.

In contrast, Mori does not disclose an isolation region defining a recess that is bounded by the isolation region on at least two sides; and even if the Examiner interprets Mori to disclose such an isolation region, Mori does not disclose the depth of the isolation region beneath the recess being greater than or equal to the depth of the isolation region outward from the recess along at least one of the two sides. Referring to Mori's FIG. 30, none of Mori's device isolators 14 define a recess that is bounded by the device isolator on at least two sides. But even if the Examiner considers an adjacent pair of device isolators 14 and the adjoining gate insulator 21a to define such a recess, the depth of the gate insulator 21a beneath the recess is less than, not greater than or equal to, the depths of the device isolators 14 along the sides of the recess.

New Claim 40

Claim 40 is patentable for reasons similar to those recited above in support of the patentability of claim 26.

Conclusion

In light of the foregoing, claims 20-23, 27-29, 31, and 35-39 as previously pending, claims 19, 26, 33, and 34 as amended, and new claim 40 are in a condition for allowance, which is respectfully requested.

In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

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Respectfully Submitted,



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